



# City of NORFOLK

To the City Planning Commission  
City of Norfolk, Virginia

November 13, 2014

From: Matthew Simons, CFM  
City Planner II

**Subject:** Special exception to  
operate an eating and drinking  
establishment at 1900 Colley  
Avenue, Suite 1902 – **Pimento  
Island Bistro**

Reviewed: Leonard M. Newcomb III, CFM  
Land Use Services Manager

**Ward/Superward: 2/6**

Approved:

George M. Homewood, AICP, CFM  
Planning Director

**Item Number: 3**

**I. Recommendation:**

Staff recommends approval, subject to the attached conditions that are necessary to ensure increased compliance with *Zoning Ordinance* requirements.

**II. Applicant:** Dorothy M. Lovell

**III. Description:**

This request would allow a new restaurant, Pimento Island Bistro, to offer alcoholic beverages to their patrons.

**IV. Analysis**

The site is located along the east side of Colley Avenue just north Blair Middle School, within the Ghent neighborhood, and along a corridor mixed with commercial, residential, and institutional uses.

Plan Analysis

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

Zoning Analysis

The site is located in C-2 (Corridor Commercial) and the Colley Avenue Pedestrian Commercial Overlay District (PCO-Colley) zoning districts, which permit the proposed use with a special exception.

	Prior (Mind, Body and Spirit)	Proposed
Hours of operation and for the sale of alcoholic beverages	N/A	10:00 a.m. until 10:00 p.m., seven days a week
Capacity	N/A	<ul style="list-style-type: none"> <li>• 29 seats indoors</li> <li>• 12 seats outdoors</li> <li>• 48 total capacity</li> </ul>

#### Traffic Analysis

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 107 new vehicle trips per day.
- Based upon ITE data, the prior retail use on this site would be expected to generate 33 weekday trips while the proposed new restaurant would be expected to generate 140 trips on weekdays

#### Parking Analysis

- The parking requirements for restaurants within the Colley Avenue PCO are based upon indoor seating (1 space/4 seats).
- The new restaurant as proposed will have 29 indoor seats, which requires approximately 7 parking spaces within the Colley Avenue PCO.
  - A parking analysis was performed to determine whether the site could accommodate a conversion of 770 square feet from retail services to a 29 seat restaurant which requires four additional spaces.
  - The adjacent parking lot to the rear is developed with 16 spaces, sufficient to accommodate the 12 required spaces that are needed for the existing businesses within the building, as well as the four extra spaces needed for the new restaurant.
  - There are two existing bicycle racks within the public right-of-way, which are able to accommodate four bicycles.

#### **V. Financial Impact**

The property owner is current on all taxes.

#### **VI. Environmental**

- The site is located in a district surrounded by a mix of commercial, residential and institutional uses nearby.
- In order to adequately screen potential impacts to the adjacent residential neighborhood to the east, the following conditions are proposed:
  - A six-foot solid wood fence shall be installed and maintained along the rear property line, immediately adjacent to the residential properties located to the east.
  - A trashcan enclosure shall be installed and maintained adjacent to the rear edge of the building, with a six-foot solid wood fence with a locking gate to surround.

**VII. Community Outreach/Notification**

- Legal notice was posted on the property on October 7.
- Letters were sent to the Ghent Neighborhood League and Ghent Business Association on October 24.
- Letters were mailed to all property owners within 300 feet of the property on October 30.
- Legal notification was placed in *The Virginian-Pilot* on October 30 and November 6.

**VIII. Coordination/Outreach**

This report has been coordinated with the Department of City Planning, Department of Recreation, Parks and Open Space – Division of Urban Forestry, and the City Attorney's Office.

**Supporting Material from the Department of City Planning:**

- Proposed conditions
- Location map
- Zoning map
- 1000' radii map of similar ABC establishments
- Application
- Letters to the civic league and business association



Pimento Island Bistro – 1900 Colley Avenue, Suite 1902  
Eating and Drinking Establishment – Conditions

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 10:00 a.m. until 10:00 p.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted
- (b) The seating for the establishment shall not exceed 29 seats indoors, 12 seats outdoors, and the total occupant capacity, including employees, shall not exceed 48 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (c) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.
- (d) A six (6) foot tall wooden privacy fence shall be installed along the eastern property line, extending from the northern property line and continuing southwardly to a point approximately 20 feet from the southern property line.
- (e) A dumpster or trash enclosure shall be installed along the rear of the building, in a location that does not interfere with any existing parking spaces or impede the drive aisle, and shall include a six (6) foot tall wooden privacy fence, with a locking gate, to surround the enclosure.
- (f) No business license shall be issued for any business on the property until conditions (d) and (e) above, have been complied with in their entirety.
- (g) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (h) The establishment shall maintain a current, active business license at all times while in operation.
- (i) The establishment shall remain current on all food and beverages taxes

and business personal property taxes which may become due while it is in operation.

- (j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (l) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (m) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (o) There shall be no entertainment, no dancing, and no dance floor provided.
- (p) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

- (q) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.



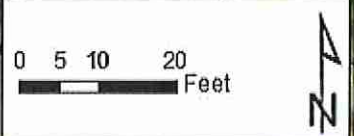
Location Map

PIMENTO ISLAND BISTRO



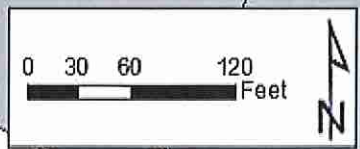
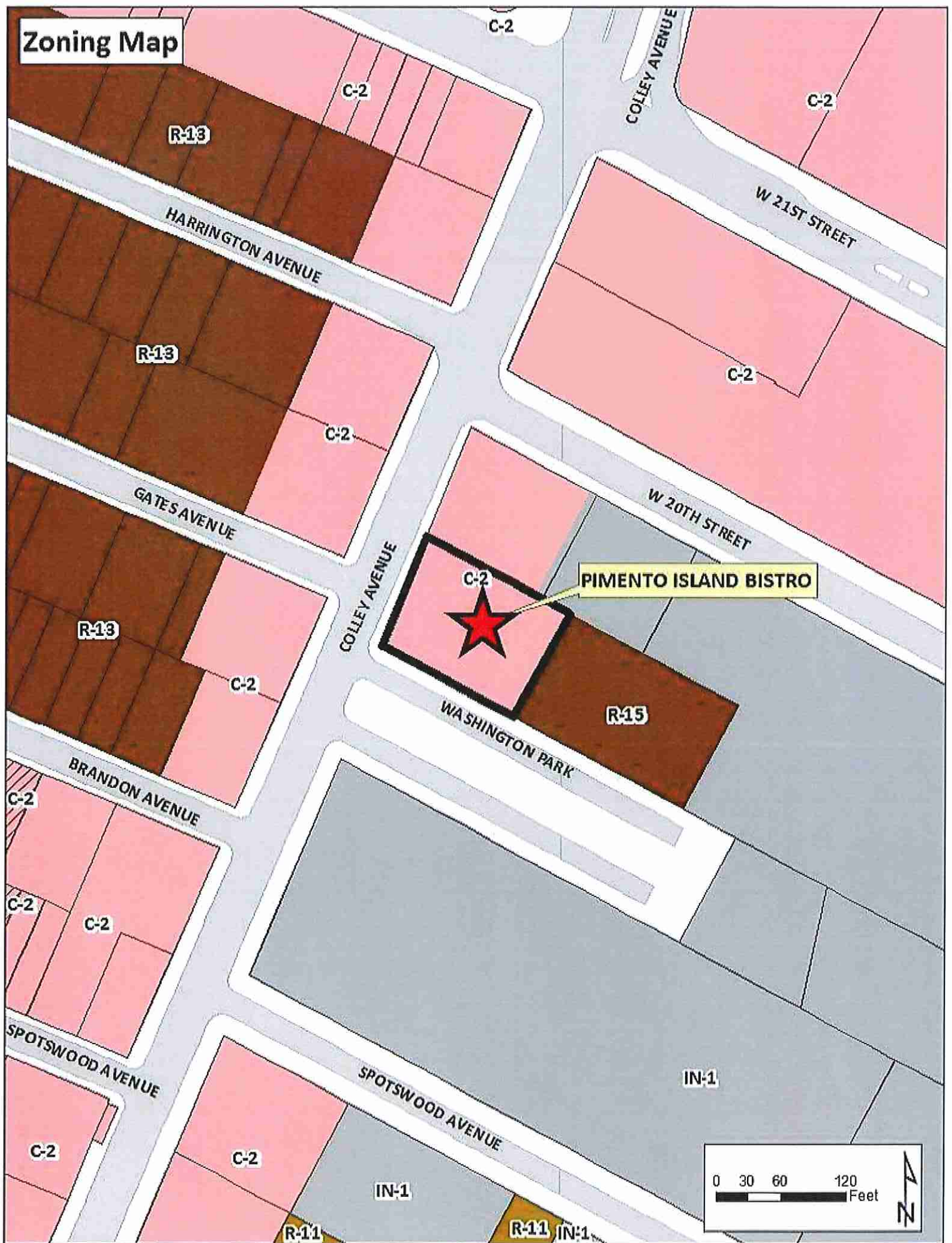
COLLEY AVENUE

WASHINGTON PARK



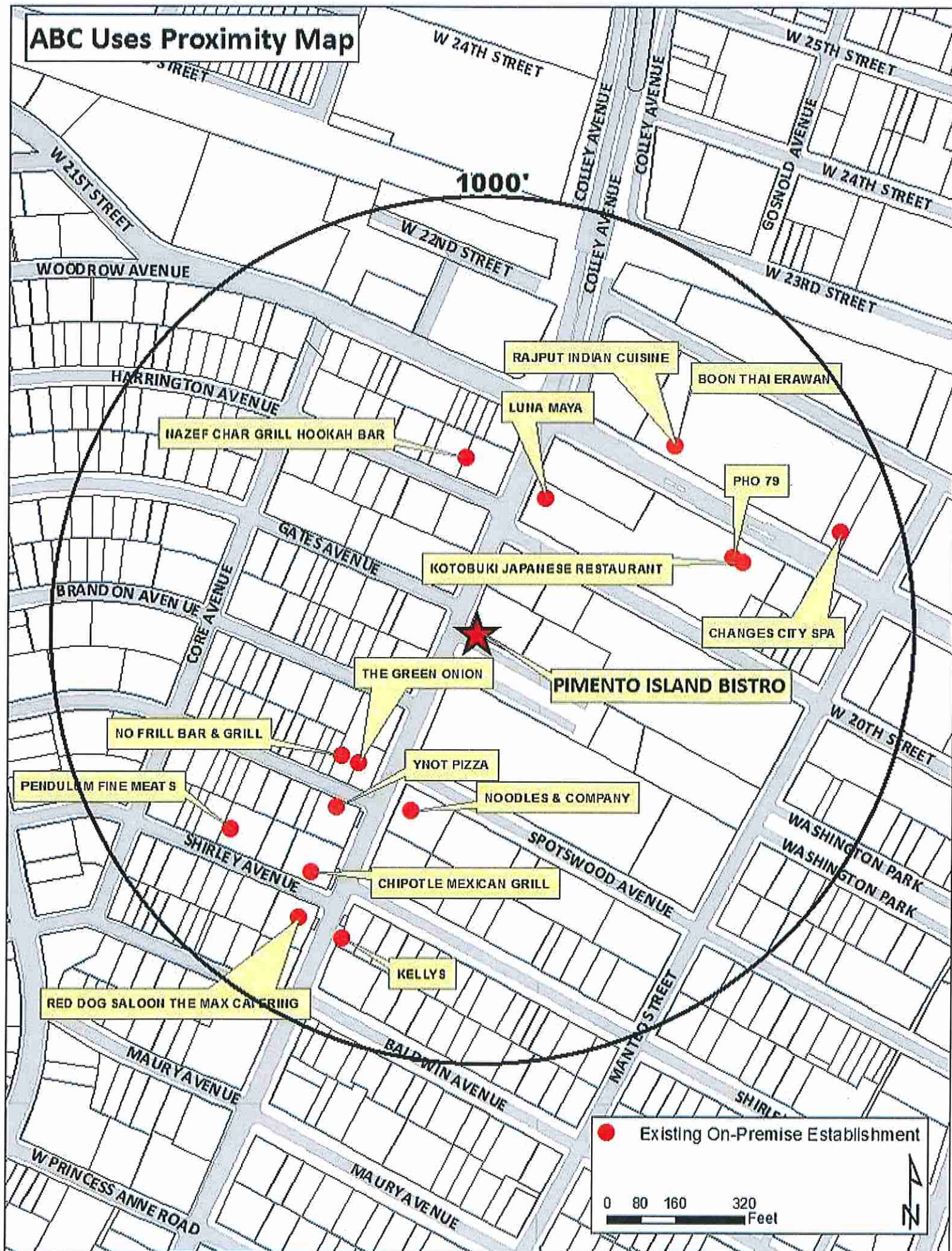


# Zoning Map





# ABC Uses Proximity Map







**APPLICATION  
ADULT USE SPECIAL EXCEPTION  
EATING AND DRINKING ESTABLISHMENT  
(Please print)**

Date 9/29/2014

**DESCRIPTION OF PROPERTY**

Address 1902 COLLEY AVENUE, GHEAT, NORFOLK 23517

Existing Use of Property NONE - FORMER (MIND, BODY MASSAGE)

Proposed Use Restaurant

Current Building Square Footage 771 sq ft

Proposed Building Square Footage 771 sq ft

Trade Name of Business (if applicable) PIMENTO ISLAND BISTRO

**APPLICANT/ PROPERTY OWNER**

1. Name of applicant: (Last) LOVELL (First) DOROTHY (MI) M.

Mailing address of applicant (Street/P.O. Box) 222 W. 21st Street Unit J

(City) NORFOLK (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) cell (718) 877-8907 Fax number ( ) 627-1725

E-mail address of applicant dorothy@verizon.net

2. Name of property owner (Last) RUNNYMEDE CORP (First) - Michael Barrett (MI)

Mailing address of property owner (Street/P.O. Box) 600 22nd Street, Ste 400

(City) VIRGINIA BEACH (State) VA (Zip Code) 23451

Daytime telephone number of owner (757) 422-1568 Fax number ( )

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)



Application  
Eating and Drinking Establishment  
Page 2

**CONTACT INFORMATION**

Civic League contact \_\_\_\_\_

Date(s) contacted \_\_\_\_\_

Ward/Super Ward information \_\_\_\_\_

**REQUIRED ATTACHMENTS**

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
  - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a survey or conceptual site plan (required for new construction or site improvements) drawn to scale showing:
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- Completed Exhibit A, Description of Operations (attached)

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**CERTIFICATION**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge.

Print name: MICHAEL BARRETT Sign: M. Barrett 1 9/29/2014  
(Property Owner or Authorized Agent Signature) (Date)

Print name: Dorothy Loria Sign: Dorothy Loria 1 9/29/2014  
(Applicant or Authorized Agent Signature) (Date)

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**EXHIBIT "A"**  
**Description of Operations**  
**Eating and Drinking Establishment**

Date 9/29/2014

Trade name of business PIMENTO ISLAND BISTRO

Address of business 1902 COLLEY AVENUE, GHEENT, NORFOLK 23517

Name(s) of business owner(s)\* DOROTHY LOVELL

Name(s) of property owner(s)\* THE RUNNUMESE CORP. - Michael Barrett

Daytime telephone number ( 418 ) 877-8907

\*If business or property owner is partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

**1. Proposed Hours of Operation:**

<u>Facility</u>		<u>Alcoholic Beverage Sales</u>	
Weekday	From <u>TUESDAY</u> To <u>SUNDAY</u>	Weekday	From <u>10 AM</u> To <u>10 PM</u>
Friday	From <u>10 AM</u> To <u>10 PM</u>	Friday	From <u>10 AM</u> To <u>10 PM</u>
Saturday	From <u>10 AM</u> To <u>10 PM</u>	Saturday	From <u>10 AM</u> To <u>10 PM</u>
Sunday	From <u>10 AM</u> To <u>10 PM</u>	Sunday	From <u>10 AM</u> To <u>10 PM</u>

**2. Type of ABC license applied for (check all applicable boxes)**

☒ On-Premises      ☐ Off-Premises (additional application required)

**3. Type of alcoholic beverage applied for**

☒ Beer      ☒ Wine      ☐ Mixed Beverage

**4. Will indoor or outdoor entertainment be provided?**

(Entertainment consists of anything more than one, unamplified musician)

☐ Yes (Different application required)      ☒ No

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**Exhibit A – Page 2**  
**Eating and Drinking Establishment**

5. Will video games, pool tables, game boards or other types of games be provided?  
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

\_\_\_\_\_  
N/A  
\_\_\_\_\_

6. Will patrons ever be charged to enter the establishment?  
☐ Yes ☒ No

6a. If yes, why

\_\_\_\_\_  
N/A  
\_\_\_\_\_

6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday      Tuesday      Wednesday      Thursday      Friday  
Saturday      Sunday      N/A

7. Will the facility or a portion of the facility be available for private parties?  
☐ Yes ☒ No

7a. If yes, explain

\_\_\_\_\_  
N/A  
\_\_\_\_\_

8. Will a third party (promoter) be permitted to lease, let or use the establishment?  
☐ Yes ☒ No

8a. If yes, explain

\_\_\_\_\_  
N/A.  
\_\_\_\_\_

9. Will there ever be a minimum age limit?  
☐ Yes ☒ No

**Exhibit A – Page 3**  
**Eating and Drinking Establishment**

**10.** Additional comments/ description/operational characteristics or prior experience:

SATELITE LOCATION TO ISLANDKAYE CARIBBEAN SMOKEHOUSE

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Day Hall

**Signature of Applicant**

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**Exhibit A – Floor Plan(s) Worksheet  
Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

**a. Indoor**

Number of seats (not including bar seats)

Number of bar seats

Standing room

20  
9  
1

**b. Outdoor**

Number of seats

12

**c. Number of employees**

6

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 48

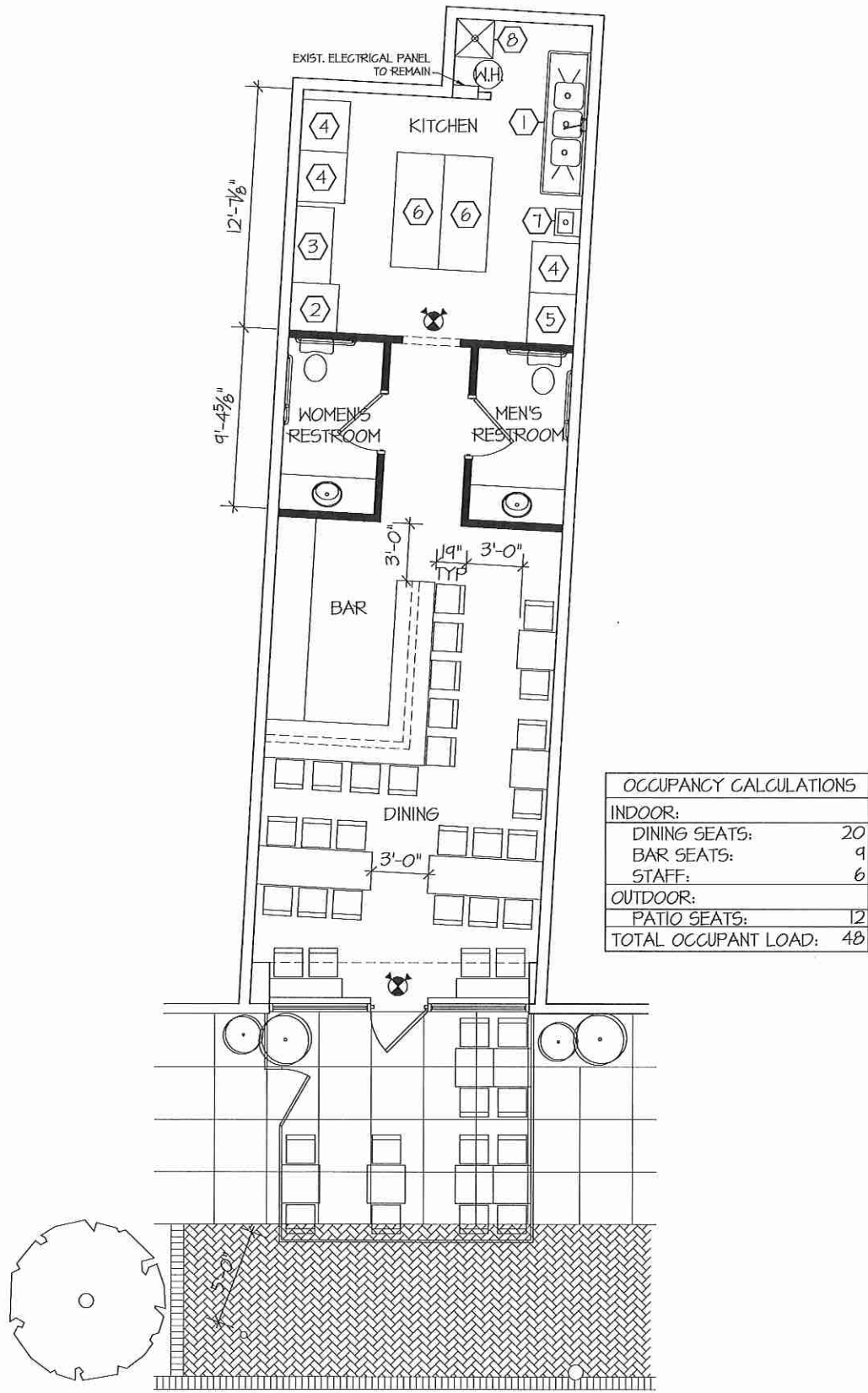
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PIMENTO ISLAND BISTRO: 1902 COLLEY AVENUE, NORFOLK, VA 23517  
 3/16" = 1'-0"





# City of NORFOLK

October 24, 2014

Henry Conde  
President, Ghent Neighborhood League  
P.O. Box 11431  
Norfolk, VA 23517

Dear Mr. Conde,

The Planning Department has received an application for a special exception to operate an eating and drinking establishment at 1902 Colley Avenue.

This item is tentatively scheduled for the November 13, 2014 City Planning Commission public hearing.

## Summary

This request would allow a new restaurant, Pimento Island Bistro, to offer alcoholic beverages to their patrons.

	Prior (Mind, Body and Spirit)	Proposed
Hours of operation and for the sale of alcoholic beverages	N/A	10:00 a.m. until 10:00 p.m., Seven days a week
Capacity	N/A	<ul style="list-style-type: none"><li>• 29 seats indoors</li><li>• 12 seats outdoors</li><li>• 48 total capacity</li></ul>

If you would like additional information on the request, you may contact the applicant, Dorothy Lovell, at (757) 627-1725 or you may contact me at (757) 664-4750, or [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov). A copy of the complete application is enclosed.

Sincerely,

Matthew Simons, CFM  
City Planner II

cc: Vanessa Seals, Senior Neighborhood Development Specialist  
[Vanessa.Seals@norfolk.gov](mailto:Vanessa.Seals@norfolk.gov) or (757) 823-4357



October 24, 2014

Ian Holder  
President, Ghent Business Association  
999 Waterside Drive, Suite 1100  
Norfolk, VA 23510

Dear Mr. Holder,

The Planning Department has received an application for a special exception to operate an eating and drinking establishment at 1902 Colley Avenue.

This item is tentatively scheduled for the November 13, 2014 City Planning Commission public hearing.

**Summary**

This request would allow a new restaurant, Pimento Island Bistro, to offer alcoholic beverages to their patrons.

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